

# **TOWN OF NEWSTEAD - PLANNING BOARD MINUTES**

## **March 20, 2006**

PRESENT: Tom Cowan, Chairman  
Terry Janicz  
John Olaf  
Rick Meahl  
Don Hoefler  
Christine Falkowski, Recording Clerk  
Rebecca Baker, Zoning Officer

ABSENT: Andy Kelkenberg  
John Potera

The Planning Board meeting was called to order by Tom Cowan at 7:30PM.

### **3-Lot Minor Subdivision – Swift Mills Road – Palmer Estate/Kathleen Mika, Executrix**

Michael O’Lear, seller representative, and Herm Clouse, potential buyer, attended. The public hearing could not be held tonight as the legal notice was not published in the Akron Bugle. The hearing will be held on April 3, 2006. The road frontage of the four lots going west to east is 185’, 340’, 270’ and 250’. Instead, Herm would like them to be 195’, 300’, 300’ and 250’ with the idea that the 300’ lots can be split again in the future. The survey must be revised to reflect these new dimensions. Wendel’s review dated March 17<sup>th</sup> states that the design engineer must:

- (1) Show ditch within westerly lot that runs north-south
- (2) Provide 30’ drainage easement for ditch in #1
- (3) Show delineation of federal wetland on center
- (4) Show a ditch along north property line; including cross section and calculations showing correct sizing of ditch
- (5) Size ditch to handle anticipated flow between 10-year pre-developed and 25-year post development condition
- (6) Ditch in #5 must be installed by applicant.

Wendel’s memo was given to Herm to comply with required revisions of the plan.

### **1-Lot Minor Subdivision - 11541 Hunts Corners Road – Gary Andrees**

Mr. Andrees owns 60 acres on Hunts Corners Road with 662’ of frontage. He wishes to split off a 10-acre parcel that is 299’ x 1457’. Mr. Andrees chose the 299’ in an attempt to avoid having two neighbors to the east of him (150’ frontage each), although one could apply for a variance. Mr. Andrees is hoping to sell it to a horse-owner. If so, a maximum of eight animal units would be allowed on 10 acres. Wendel reviewed and found no further action required. Terry made a motion to approve, seconded by Rick:

Rick Meahl	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Don Hoefler	-Aye
Tom Cowan	-Aye

### **Preapplication Conference – Special Use Permit – 11720 Main Road**

#### **Used Auto Dealership – Thomas & Trudy Blair**

Previously, Becky had sent Mr. Blair a violation notice for having more than one car for sale. Mr. Blair owns 690 feet of frontage on Main Road near Barnum. He would like to sell 3 – 4 used cars and display them at the road. Per NYSDOT, the right of way at that point is 52’ from the center of the road. DOT also relayed to Rebecca that one dedicated buyer parking spot must exist for every four cars, so that customers do not just pull onto the side of the road causing a potential hazard. The Overlay Zone standards and guidelines must be followed for this potential application. Mr. Blair plans to blacktop the display area. Wendel provided the comment that the fire hydrant located to the east of the parking pad must be considered, and has to remain accessible at all times. Mr. Blair questioned whether Summit Auto and Champion Auto have parked vehicles in the right of way. This will be checked. Mr. Blair plans to have a site plan prepared and requested to be placed on the agenda for April 3<sup>rd</sup>.

**Site Plan – 13800 Main Road – James Sulzbach**

Mr. Ehrenreich and Don Hoefler represented Mr. Sulzbach. What is the use of the 20' x 40' asphalt pad in front of the pole barn, and what is the distance between it and the road? Don Hoefler stated it will be for show cars, not for sale, and the distance is at least 100'. The Overlay Zone requires 50' of greenspace between the right of way and the building. Are floor drains planned? Oil separator? Wendel's review of March 17<sup>th</sup> states that the design engineer must provide the following:

- (1) Reference the proposed elevations for the site off of the actual elevations. Setting the centerline road elevation equal to 100' is unacceptable
- (2) Show proposed grading for the site. The spot elevations shown appear to be existing grades.
- (3) Clearly define limits of the proposed swales, show the slope, and how they interact with the proposed grading.
- (4) Show a cross section of the swales, which must have adequate capacity to handle the additional .46 cfs of runoff.
- (5) Comment on proposed uses of the 40'x40' stone pad and the 20'x40 asphalt pad
- (6) Show the location of the roof leaders off the barn and their discharge point. If an underdrain system is proposed, the invert, diameter and material type must be shown
- (7) Contact and provide written approval from NYSDOT that the installation of the proposed stone check dams within the right of way ditches are acceptable.

The site plan will be sent to Erie County Planning and NYSDOT for comment (30-day review). Don Hoefler will call Rob Klavoon at Wendel regarding the seven items above. A public hearing is not required.

**Site Plan Compliance – McDonald's**

McDonalds had called last week to say they planned to extend the curbing per the original site plan first thing Monday morning, that they expect approval for such at this meeting tonight, and that they would not consider the field drain as recommended in Wendel's March 17<sup>th</sup> review memo stating: (1) Design engineer must install a yard drain in the grass area behind the curb and connect it to existing catchbasin (C.B. No.5). Rim and invert of the hard drain and diameter, material and slope of the pipe must be shown. (2) Design engineer must comment on extending the pavement area in order to increase the turning radius of the driveway. In addition, consider removing a portion of the v-shaped curbing to make the connection point for the new curb behind catchbasin No. 5. Wendel Duchscherer believes that installing the curbing as shown will not prohibit trucks from cutting the corner and will again rut the lawn behind the curb. Must investigate alternative designs to alleviate this problem for the long term.

The site was checked today, and work had not begun. Tori Baker of FRA Code Services, appeared before the meeting. She presented overlays showing the turning radius of a 50' and a 67' truck length. Tori stated that after speaking with the project manager and contractor, they have decided to put in the field drain and install three bollards on the inside of the 60' curb evenly spaced. The v-shaped curb will not be removed. She stated that a revised site plan and specs will be forthcoming. Terry asked why McDonald's did not consider internal shades instead of permanent exterior awnings. Tori did not know the answer, but stated that the Akron McDonald's is not typical in that it has a lot of glass.

John motioned to approve the site plan compliance/drainage resolution with the condition that revised plans and drawings be provided, seconded by Rick:

Rick Meahl	-Aye
Terry Janicz	-Nay
John Olaf	-Aye
Don Hoefler	-Aye
Tom Cowan	-Aye

**Minutes Review**

John motioned to approve the minutes of March 6, 2006, seconded by Tom:

Rick Meahl	-Aye
Terry Janicz	-Aye
John Olaf	-Aye
Don Hoefler	-Aye
Tom Cowan	-Aye

**Outdoor Wood Boilers (OWB's)**

Tom sent a memo to the Town Board on March 15<sup>th</sup> requesting input as to how much Newstead would need to regulate existing and future units. A draft ordinance provided by the Conservation Advisory Council was distributed. Tom asked the Board to review.

**Shared Driveways**

Our Code allows two homes on one lot given 90,000 SF of land. An easement would make a shared driveway OK. Becky sent a memo to the Town Board suggesting they amend Section 100-8(A). It is on their agenda tonight.

**Zoning Road Work Items**

- Becky received a request for a combined use on Route 5---Ed's Motel (197' x 660') with a house to be built behind it. Although it would require a site plan since it is in the Overlay Zone, Becky has asked Nathan and Dave if it would be allowed.
- MGA Research- addition (1) clearly visible from the road (2) roof mechanicals are visible (3)How long has transformer at the old building been there?
- The Dog House (1) new sign on front of building---no permit (2) If they apply for site plan, can we ask them to put greenspace between the parking spots and the building? (3) Apparently, it is for sale!
- Curves – Becky sent them a notice to remove the unused, unsightly sign frame. Now they've asked Joe Capan to put a sign on it, but the frame itself does not meet the Overlay Zone requirements; must come to the Planning Board for approval. From the photograph Becky took, it is obvious that the frame is in the right of way. Tom will speak to Joe.

**Other**

- Terry checked on the dealer's license for selling vehicles at the southeast corner of Main and Crittenden. It expires in November 2006.

Terry made a motion to adjourn the meeting at 9:23PM, seconded by John and all approved.

Respectfully submitted,

Christine Falkowski  
Recording Clerk